

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA . CRIMINAL ACTION NO. 05-10048-RCL
.
v. .
MANUEL DISLA, et al .
.
.

TRANSCRIPT OF STATUS
BEFORE THE HONORABLE ROBERT B. COLLINGS
UNITED STATES MAGISTRATE JUDGE

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I N D E X

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P R O C E E D I N G S

2 COURT CALLED INTO SESSION

5 THE COURT: Please be seated.

6 THE CLERK: The case of the United States v. Manuel
7 Disla, et al, Criminal Action No. 05-10048 will now be heard
8 before this Court. Will counsel please identify themselves for
9 the record?

10 MR. LEVITT: Peter Levitt on behalf of the
11 government. Good afternoon, Your Honor. Your Honor, I
12 apologize for being late. I had the wrong time on my calendar
13 and neglected to check the calendar from the court list this
14 morning.

15 THE COURT: Okay.

16 MS. GLASER: Good morning, Your Honor, Lenore Glaser
17 for Luis Olmo Diaz.

18 THE COURT: Okay.

19 MR. GILLESPIE: Good morning, Your Honor, Raymond
20 Gillespie for Adneer Gonzalez.

21 MR. ANDREWS: Good morning, Your Honor, Michael
22 Andrews for Gladys Arce.

23 MR. CHAPMAN: Randy Chapman, Your Honor, for Mr.
24 Disla.

25 THE COURT: All right.

1 MR. DOMINGUEZ: Good afternoon, Your Honor, Carlos
2 Dominguez for Rosa Pena.

3 MR. MERCEDE: Benjamin Mercede filling in for Mr.
4 Voccolla for Carlos Ramirez.

5 THE COURT: Okay. Okay, anyone else? And then Mr.
6 Halpern, you're on the line?

7 MR. HALPERN: I am for Fermin Hernandez.

8 THE COURT: Okay. And we don't have an attorney for
9 Mr. Filpo yet, Ms. Russo?

10 THE CLERK: Not yet.

11 THE COURT: And, okay so the only one that's not here
12 is Mr. Sheketoff, okay. All right, let me review the final
13 status report.

14 PAUSE

15 THE COURT: Okay. I think I probably want to ask
16 Judge Lindsay what he wants me to do cause we've got a
17 situation where at least as to all the defendants except for
18 Mr. Filpo the matters that I would tend to in this case have
19 been resolved and the case would normally go up to Judge
20 Lindsay for an initial pretrial conference. But I just don't
21 know where we're going to be with Mr. Filpo because I've
22 allowed new counsel and we're working on getting an attorney
23 for him.

24 Mr. Levitt, what do you suggest I do?

25 MR. LEVITT: Your Honor, I know that there is one

1 exception to that. Mr. Gillespie indicated to me a few
2 moments ago that as you recall he also was, he was more
3 recently added to the case and he indicated to me that he's not
4 yet made a determination with respect to motions.

5 MR. GILLESPIE: Well that's true, Your Honor. I mean
6 the language of paragraph five is correct, do not anticipate
7 filing any motions to suppress but actually I'm still reviewing
8 that issue. There is a slim possibility that I might want to
9 do that. I was hoping to resolve it today by speaking to my
10 client but unfortunately he was transferred from Nashua Street
11 to South Bay without my knowledge so I--

12 THE COURT: Okay.

13 MR. GILLESPIE: --wasn't able to talk to him.

14 MR. LEVITT: With respect to the other, other than
15 with respect to that one issue, Your Honor, I guess it would
16 make from the government's perspective sense to schedule a
17 further final status conference 30 days from now. By that time
18 Mr. Filpo will have an attorney and I'll be able to speak with
19 that attorney and make a better evaluation as to how long he'll
20 need to get up to speed. It is, it was a lengthy
21 investigation. It is likely that he'll want significant time,
22 but it's a bit of a conundrum I suppose.

23 THE COURT: All right. The problem is that the only
24 reason that the time is going to be excludable is because it's
25 not excludable as to Mr. Filpo. It's excludable as to Mr.

1 Filpo and when you join with another defendant whose time has
2 not run the excludable period applied.

3 Do any of the defense counsel have any suggestions as
4 to the manner in which I proceed?

5 MR. GILLESPIE: Well, Your Honor, just to add to what
6 I was saying on behalf of Mr. Gonzalez I actually would like an
7 additional 30 days to continue reviewing the CD's. I frankly
8 have not finished what I need to do with that in that regard.

9 THE COURT: Okay.

10 MR. ANDREWS: On behalf of Ms. Arce, if the Court was
11 to allow me an additional 30 days I'd agree to exclude the time
12 and by then we might finalize a plea agreement.

13 THE COURT: Okay. Well I just--

14 MR. ANDREWS: And then it could be sent out for Rule
15 11 as opposed to a pretrial conference.

16 THE COURT: All right. Well let's - does anyone
17 object to my doing that?

18 THE COURT: Okay. What I will do is, I don't think
19 there's any reason for anyone other than Mr. Gillespie and the
20 new counsel for Mr. Filpo to show up at a further conference.
21 You know, everyone else, I don't like to have you show up for
22 no reason at all. If it turns out you're going to plead all
23 you have to do is file a notice to that effect that it's going
24 to be a plea and Judge Lindsay's clerk will arrange for that.

25 So what I propose to do is to keep the case for

1 another 30 days. Put it on for a further final status
2 conference as to the two, Mr. Gillespie's client and for Mr.
3 Filpo and then either after that if already to go up, send it
4 up otherwise do what I have to do. But I don't think there's
5 any reason for all the other attorneys to come back. Is that
6 all right with everyone?

7 MR. CHAPMAN: Yes, Your Honor.

8 THE COURT: Okay. Today is the 14th.

9 PAUSE

10 THE COURT: How about noon on the 17th of October?
11 That's a Monday. That's for Mr. Levitt and for counsel for Mr.
12 Filpo and Mr. Gillespie. Is that okay with you?

13 MR. GILLESPIE: Yeah, that's fine, Your Honor.

14 MR. LEVITT: Yes, Your Honor.

15 THE COURT: Okay. Very good. Anything else from any
16 other counsel wishes me to bring up?

17 MR. GILLESPIE: I'm sorry, what time was that though,
18 Your Honor?

19 THE COURT: Noon, please.

20 MR. GILLESPIE: Okay.

21 THE COURT: Anything else? Anything else, Mr.
22 Halpern?

23 MR. HALPERN: No, Your Honor. Thank you.

24 THE COURT: Okay. Thank you very much. We'll remain
25 in session to take the next matter.

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CERTIFICATION

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I, Maryann V. Young, court approved transcriber, certify that the foregoing is a correct transcript from the official digital sound recording of the proceedings in the above-entitled matter.

July 10, 2008

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